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November 12, 2019

Via Email 81833-23993188@requests.muckrock.com

Mr. Taylor Amarel
MuckRock News
DEPT MR 81833
411A Highland Ave.
Somerville, MA 02144-2516

RE: Public Records Request; DOJ No. 2019-02479

Dear Mr. Amarel:

This letter is in response to your recent correspondence, which was received by the California Department of Justice (DOJ) on October 17, 2019, in which you sought records under the California Public Records Act (PRA) as set forth in Government Code section 6250 et seq. We previously extended the time to respond to this request to November 12, 2019.

Specifically, you requested that we provide the following:

All emails sent to, from, or copied to Kamala Harris, from January 1, 2013 to January 1, 2016 containing any of the following non-case-sensitive key-strings: "Jamal Trulove"

We do not have disclosable public records responsive to your request. We will not produce any records or portions of records that fall under the following exemption:

Deliberative Process Privilege (Gov. Code, § 6255)

The deliberative process privilege exempts from disclosure materials that would expose an agency's decision making process in such a way as to discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions. (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1342-1343, 1346.) Records that reveal deliberative processes are protected through application of Government Code section 6255. Any documents containing statutory interpretation, analyses, draft language, and memoranda concerning the strengths and weaknesses of a particular proposal would be covered by this privilege. Even if the content of a document is purely factual, it is nonetheless exempt from public scrutiny if it is actually related to the process by which policies are formulated or, if it is inextricably intertwined with policymaking processes. (*Id.* at p. 1342.) If the public interest in nondisclosure


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clearly outweighs the public interest in disclosure, the deliberative process privilege applies. (*Cal. First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 172-173.)

The only documents responsive to your request are exempt from disclosure under the deliberative process privilege and will not be produced.

Sincerely,



SHARON L. O'GRADY
Deputy Attorney General

For XAVIER BECERRA
 Attorney General